

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Tribal Welfare – West Godavari District – Revision Petition filed by Smt.Gadde Vijayalakshmi W/o Gadde Soma Raju under Sec.6 of A.P.S.A.L.T.R,1959 against the orders of Agent to Government, Eluru in SRA No.7/2001, dt.19-11-2001 – Allowed – Orders – Issued.

SOCIAL WELFARE (LTR - 1) DEPARTMENT

G.O.Ms.No. 61

Dated: 08-06-2009

Read the following:-

1. From Smt.Gadde Vijayalakshmi, West Godavari Dist. Revision Petition, Dt: 14/03/2002.
2. Govt. Memo.No.4325/LTR-1/2002-1 Dt18-4-2002.
3. From the Collector, West Godavari, Lr.Roc.F4/3057/02, dt.17-6-05.
4. Govt.Telegram No.4325/LTR-2/2002, Dt:3-4-2007
5. Govt.Lr.No.4325/LTR.1/02, dated 20-8-07,

ORDER:

In the reference first read above, Smt.Gadde Vijayalakshmi W/o Gadde Soma Raju R/o Ganapavaram vg. Buttaigudem (M) West Godavari District has filed Revision Petition before the Government under Sec.6 of A.P.S.A.L.T.R,1959 against the orders of Agent to Government, Eluru in SRA No.7/2001, dt.19-11-2001 in respect of lands in R.S.No.256 extent of Ac.4.56 situated in Ganapavaram vg. Buttaigudem (M) West Godavari District . The grounds submitted by the Revision Petitioner are under:-

- i) The land was originally purchased by her father through registered sale deed dated 19.3.1951 from another non-tribe by name Sri Chintalapati Seetharamachandra Varaprasada Murthy Raju. As her father is having no male issues and having two daughters, during the family partition, these schedule lands were inherited in her favour. Thus she has valid title and no tribe is in possession of the schedule land at any point of time.
- ii) The authorities below erroneously concluded that the Gift Deed was effected after commencement of the Regulations. In fact, the land was allotted in favour of the petitioner by her father through succession.
- iii) Previously, the Spl. Dy. Collector(TW) Kota Ramachandrapuram in SR No.1234/90, dt. 7.2.1995 held enquiry into possession of these lands and disallowed the complaint filed by Spl.Dy.Tahsildar(TW). But, the Spl. Dy. Tahsildar (TW) No.II, Kota Ramachandrapuram again filed complaint in SR No.394/98.

2. The brief history of the case is that initially, a case in SR No.394/98 was initiated by the Spl. Dy. Collector(TW) Kota Ramachandrapuram of West Godavari District on the complaint of Spl.Dy.Tahsildar(TW) Kota Ramachandrapuram that the respondent Smt.Gadde Vijayalakshmi held an extent of Ac.4.56 cents in RS No.256 of Ganapavaram village by a registered document No.1316/77 of the Sub-Registrar, Jangareddygudem which is in contravention of the provisions of LTR 1/59 as amended by Regulation 1/70. The Spl. Dy. Collector(TW) Kota Ramachandrapuram in his orders dt. 11.5.1999 held that:

- a) According to the registration statistics collected from the Sub-Registrar Office, Jangareddygudem, it is proved that Sri Nunna Venkataratnam, father of the respondent (Gadde Vijayalakshmi) executed a gift deed by a registered document No.1316/77 for the petition schedule land in favour of his eldest daughter Smt.Gadde Vijayalakshmi W/o Somaraju on 1.10.1977.
- b) The transfer of petition schedule land in favour of the respondent by registered gift deed No.1316/77, dt. 1.10.1977 is within the scope of Sec.2 (g) is contrary to the provisions of section 3 (1) (a) & (b). Therefore, the transfer is declared null and void and accordingly ejectment orders issued.

3. Aggrieved by the orders of Spl. Dy. Collector(TW) Kota Ramachandrapuram, the petitioner filed appeal before the Agent to Government, Eluru, West Godavari District in SRA No.7/2001, wherein it was held that:

“The appellant Smt.Gadde Vijayalakshmi is a non-tribal. The schedule land lies in Ganapavaram village of Buttaigudem Mandal. According to the lower court Nunna Venkataratnam, father of the appellant executed a gift deed by a registered document No.1316/77, dt.1.10.77 towards Pasupukumkuma. Therefore, the transfer of schedule property in favour of appellant through document dt.1.10.1977 is declared null and void” and confirmed lower court orders on 19.11.2001. Aggrieved by the orders of Agent to Govt. Eluru, the petitioner filed Revision Petition before the Government.

4. In the reference 2nd read above the Collector, West Godavari was requested to furnish parawise remarks and case records, the same were received vide reference 3rd read above. After examination of the parawise remarks and case records, notices were sent to the concerned to attend the hearing of the revision petition on 9-4-2007 and the case finally heard on 31.8.2007. Petitioner was absent. The Counsel for petitioner was present and prayed time for submission of written arguments and Legal Representative certificate. The Counsel filed written arguments along with certified copy of Settlement Deed executed by Nunna Venkataratnam i.e. father of the revision petitioner, Legal Heir Certificate issued by Mandal Revenue Officer, Buttaigudem dt. 5.5.2006 and Death Certificate of Nunna Venkataratnam S/o Swamy issued by Village Secretary, Reddiganapavaram (v) of Buttaigudem Mandal.

5. Government after examination of the material evidence available on record, found that:

- i) The lands were originally purchased by father of the petitioner viz., Nunna Venkataratnam from another non-tribal Chintalapati Seetharamachandra Varaprasada Murthy Raju through a registered sale deed 1293/51, dt.19.3.1951 and 1997/51, dt. 12.5.1951 and the transaction is prior to regulation of 1/59 came into force. Hence, Nunna Venkataratnam, i.e. father of the revision petitioner is the rightful owner.
- ii) According to the Legal Heir Certificate issued by Mandal Revenue Officer, Buttaigudem dt. 5.5.2006, Sri Nunna Venkataratnam had no male issues except three daughters. All the three daughters were got married as on date of issue of certificate by Mandal Revenue Officer. Smt.Gadde Vijayalakshmi W/o Somaraju, aged about 50 years is the eldest daughter.
- iii) From the recitals of certified copy of Document No.1316 of 1977, dt. 1.10.1977, it is a settlement deed worth Rs.10,000/- executed by Sri Nunna Venkataratnam in favour of his eldest daughter Gadde Vijayalakshmi. The possession was already given to her previously but the settlement deed was executed on 1.10.1977. Since Nunna Venkataratnam, had no male children and the petitioner being eldest daughter, settled the above land in her favour.

6. Therefore, Government hereby set aside the orders of the Agent to Government, Eluru in SRA No.7/2001 dated 19-11-2001 and allowed the Revision Petition accordingly.

7. The counsel for the petitioner is requested to inform his clients accordingly. The Collector, West Godavari is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,
Prl. SECRETARY TO GOVERNMENT

To

The Collector, West Godavari District.

(With RPAD for the following records)

- i) Agent to Govt. SRA No.7/2001, containing pages CF(1-73) NF (1-5)
- ii) SDC(TW) KR Puram SR No.394/98, containing pages CF(1-50)

The Spl.Dy.Collector,(TW) Kota Ramachandrapuram, West Godavari District.

Smt.Gadde Vijayalakshmi W/o Gade Smaraju

R/o Ganapavaram vg. Buttaigudem (M) West Godavari Dist.

Sri P.R.K.Amarendra Kumar, Advocate,

406, Sterling Magistic Apartments,

Near Voltas Company, Padmaraonagar, Sec'bad-25.

Copy to the P.S. to M (TW& RIAD)

FORWARDED:BY ORDER

SECTION OFFICER